

In the Matter of TIPPETT & WOOD and UNITED ELECTRICAL, RADIO &  
MACHINE WORKERS OF AMERICA, LOCAL 451, C. I. O.

*Case No. 4-R-1500.--Decided October 9, 1944*

*Mr. George F. Coffin, Jr.*, of Easton, Pa., for the Company.

*Mr. Morris A. Encelowski*, of Phillipsburg, N. J., for the Union.

*Mr. Louis Cokin*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon petition duly filed by United Electrical, Radio & Machine Workers of America, Local 451, C. I. O., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Tippett & Wood, Phillipsburg, New Jersey, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Eugene M. Purver, Trial Examiner. Said hearing was held at Easton, Pennsylvania, on September 18, 1944. The Company and the Union appeared, participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Tippett & Wood is a New Jersey corporation operating a plant at Phillipsburg, New Jersey, where it is engaged in the fabrication of buoys, steel towers, barges, and other structures made of metal. The Company purchases raw materials valued in excess of \$100,000 annually, over 75 percent of which is shipped to it from points outside the State of New Jersey. During the same period the Company sells

finished products valued in excess of \$100,000, about 70 percent of which is used at points outside the State of New Jersey.

The Company admits, for the purpose of this proceeding, that it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

United Electrical, Radio & Machine Workers of America, Local 451, is a labor organization affiliated with the Congress of Industrial Organizations, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the United as the exclusive collective bargaining representative of its employees until such time as the Union is certified by the Board.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the United represents a substantial number of employees in the unit hereinafter found to be appropriate.<sup>1</sup>

We find that a question affecting commerce has arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

## IV. THE APPROPRIATE UNIT

The Union urges that all production and maintenance employees of the Company, excluding office employees, watchmen, subforemen, and supervisory employees, constitute an appropriate unit. The only controversy with respect to the unit concerns truck drivers and shipping clerks. The Company would include them in the unit while the Union would exclude them.

The Company employs two truck drivers who are engaged in hauling material to and from the railroad station, and the loading and unloading of trucks. Both of them devote a portion of their time to maintenance or production work. We shall include the truck drivers in the unit.

The Company employs two shipping clerks who receive materials, check them, and report to the shop office. They are separate from the office employees. We find that the shipping clerks perform duties which are an integral part of the Company's operations, and we shall include them in the unit.

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<sup>1</sup> The Field Examiner reported that the United presented 78 authorization cards. There are approximately 130 persons in the appropriate unit.

We find that all production and maintenance employees of the Company, including truck drivers and shipping clerks, but excluding office employees, watchmen, subforemen, and any other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

#### V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by means of an election by secret ballot among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

#### DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Tippet & Wood, Phillipsburg, New Jersey, an election by secret ballot shall be conducted as early as possible but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Fourth Region, acting in this matter as agent for the National Labor Relations Board and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in the unit found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during the said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding any who have since quit or been discharged for cause and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by United Electrical, Radio & Machine Workers of America, Local 451, C. I. O., for the purposes of collective bargaining.

Mr. GERARD D. REILLY took no part in the consideration of the above Decision and Direction of Election.